

REMARKS

Claims 1-7, 9, 11, 12, 14-16, 18-46, and 49-94 were pending. Claims 19, 31, 37, 40-42, 44, 45, 51, 56-60, 62, 74, 80, 83-85, 87, and 88 have been amended. Claims 18, 20-30, 32-36, 38, 39, 43, 46, 55, 61, 63-73, 75-79, 81, 82, 86, 89, and 92-94 have been cancelled. Therefore, claims 1-7, 11, 12, 14-16, 19, 31, 37, 40-42, 44-45, 49-54, 56-60, 62, 74, 80, 83-85, 87-88, 90 and 91 will be pending upon entry of the present amendment.

No new matter has been added. Claims 19, 31, 37, 40-43, 45, 51, 56-60, 62, 74, 80, 83-85, 87 and 88 have been amended to clarify the invention. Claims 19, 31, 37, 40-42, 45, 56-60, 62, 74, 80, 83-85 and 88 have been amended to no longer depend on a cancelled base claim. Support for the amendments to claim 51 can be found, for example, at least at page 4, lines 5-23, and page 7, lines 20-21 and 31-34 of the specification as originally filed.

Applicants note with appreciation that claims 1-7, 9, 11, 12, 14-16, 49, 50, 90 and 91 are allowed and claims 24, 41, 42, 44, 45, 55-60, 67, 74, 84, 85, 87 and 88 have been indicated allowable but for being dependent on a rejected base claim. Applicants also note with appreciation that the 35 U.S.C. § 102(b) rejection of claims 1-4, 16, 18-46, 49-55, 59, 92 and 93 and the 35 U.S.C. § 103(a) rejection of claims 5-12, 14-16, and 60-91 over Elworthy *et al.* have been withdrawn. In addition, Applicants thank the Examiner for clarifying telephonically to Applicants' attorney that claim 74 was erroneously rejected under 35 U.S.C. § 112, first paragraph.

Rejection of Claim 94 under 35 U.S.C. § 103(a)

Claim 94 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Elworthy *et al.* (WO 2003008377). Applicants disagree, however, in the interest of expediting prosecution, claim 94 has been cancelled, thus rendering this rejection moot.

Rejection of Claims 18-23, 25-31, 33-40, 43, 46, 61-66, 68-74, 76-83, 86, 89, 92 and 93 under 35 U.S.C. § 112, second paragraph

Claims 18-23, 25-31, 33-40, 43, 46, 61-66, 68-74, 76-83, 86, 89, 92 and 93 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. In particular, the Examiner finds the use of the language "susceptible to" to be indefinite.

Applicants disagree. However, in the interest of expediting prosecution, Applicants have cancelled claims 18, 20-23, 25-30, 33-36, 38, 39, 43, 46, 61, 63-66, 68-73, 76-79, 81, 82, 86, 89, 92 and 93, thus rendering this rejection of these claims moot.

In addition, Applicants have amended claims 19, 31, 37, 40, 62, 74, 80, and 83 to no longer recite the language found to be indefinite by the Examiner. Therefore, Applicants respectfully request that this rejection of claims 19, 31, 37, 40, 62, 74, 80, and 83 under 35 U.S.C. § 112, second paragraph to be withdrawn.

Rejection of Claim 51 under 35 U.S.C. § 112, second paragraph

Claim 51 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for reciting “said compound” twice without proper antecedent basis. Applicants respectfully submit that the claim has been amended such that this rejection no longer applies to the claim as currently pending. Therefore, Applicants respectfully request that this rejection of claim 51 under 35 U.S.C. § 112, second paragraph be withdrawn.

Rejection of Claims 18, 20-30, 32-36, 38, 39, 41-46, 51, 61, 63-73, 75-79, 81, 82, 84-89, 92 and 93 under 35 U.S.C. § 112, first paragraph

Claims 18, 20-30, 32-36, 38, 39, 41-46, 51, 61, 63-73, 75-79, 81, 82, 84-89, 92 and 93 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants disagree. However, in the interest of expediting prosecution, Applicants note that claims 18, 20-30, 32-36, 38, 39, 46, 61, 63-73, 75-79, 81, 82, 89, 92 and 93 have been cancelled.

With respect to claims 41, 42, 44, 45, 84, 85, 87 and 88, Applicants have amended these claims such that the claims no longer depend on rejected base claims.

With respect to claim 51, Applicants note that the claim has been amended to include the structure in previously pending claim 55, as suggested by the Examiner.

Therefore, Applicants respectfully request that this rejection of claims 41-45, 51, and 84-88 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Claim Objections

The Examiner objected to claims 41, 42, 44, 45, 55-60, 84, 85, 87 and 88 as being allowable but for being dependent on a rejected base claim. Applicants respectfully note that this objection no longer pertains to the claims as amended.

Claims 19-46 and 61-89 were objected to for informalities in the claim language. Applicants note that claims 20-30, 32-36, 38, 39, 43, 46, 61, 63-73, 75-79, 81, 82, 86 and 89 have been cancelled, thus rendering the objection to these claims moot. In addition,

claims 19, 31, 37, 40-42, 44, 45, 62, 74, 80, 83-85, 87 and 88 have been amended to recite the language suggested by the Examiner. Therefore, Applicants respectfully request that this objection to the claims be withdrawn.

SUMMARY

Amendments to and/or cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's objections and/or rejections. The amendments to and/or cancellation of the claims are being made solely to expedite prosecution of the above-identified application. Applicants reserve the option to further prosecute the same or similar claims in the present or another patent application. The amendments made to the claims are not related to any issues of patentability.

In view of the foregoing, entry of the amendments and remarks presented herein, favorable reconsideration and withdrawal of the rejections, and allowance of this application with all pending claims are respectfully requested. If a telephone conversation with Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is invited to call the undersigned at (617) 227-7400.

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LAHIVE & COCKFIELD, LLP
Attorneys at Law

By 
Cynthia M. Soroos
Reg. No. 53,623
One Post Office Square
Boston, MA 02109
(617) 227-7400
(617) 742-4214